

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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APR - 1 1994

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b),  
 Table of Allotments,  
 FM Broadcast Stations.  
 (Silverton, Colorado)

MM Docket No. 94-3  
 RM-8384

TO: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL OF  
BEACHPORT COMMUNICATIONS, INC.**

On behalf of Beachport Communications, Inc. ("Beachport"), applicant for a new FM station on Channel 224A in Glenwood Springs, Colorado, FCC File No. 940120MA, we hereby submit these comments on the Notice of Proposed Rulemaking ("NPRM") in the captioned proceeding released by the Commission on February 8, 1994.

The Commission has proposed substituting Channel 224A for Channel 257A at Silverton, Colorado to accommodate a move in the transmitter site of KWXA(FM), operating on Channel 259C2 in Durango, Colorado. The Commission has noted that the substitution at Silverton will be made only if an application is filed for Channel 257A at Silverton during the comment period in this proceeding, i.e., by April 1, 1994. The channel substitution at Silverton is shown as Option I in the NPRM. Option II is the deletion of Channel 257A at Silverton without any substitute channel, if no applications are filed for Channel 257A during the comment period.

Because Beachport filed for Channel 224A on a first-come, first-serve basis, and no other applications were filed for that station on or before the filing date of Beachport's

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application, Beachport has good cause to believe that it will become the permittee of Channel 224A in Glenwood Springs. As shown in the attached Technical Statement prepared by Louis Robert du Treil, Jr. of du Treil, Lundin & Rackley, Inc., Channel 224C can be substituted for Channel 224A in Glenwood Springs, so long as the Commission does not adopt Option I. Accordingly, if Option II is adopted by the Commission (i.e., if no application is filed for Channel 257A in Silverton by April 1, 1994), then Option II will serve the needs of both Beachport (by permitting the allotment of Channel 224C to Glenwood Springs) and KWXA(FM), allowing that station to move to its desired site.

Alternatively, if an application is filed for Channel 257A at Silverton, we propose the substitution of either Channel 227A or 238A at Silverton for Channel 257A, rather than the substitution of Channel 224A as proposed in Option I. The substitution of either Channel 227A or Channel 238A at Silverton for Channel 257A would allow the allotment of Channel 224C to Glenwood Springs as well as KWXA's proposed relocation, while still maintaining a Class A facility in Silverton.

As shown in the attached Technical Statement, either Channels 227A or 238A can be allotted to Silverton at the reference coordinates provided by the Commission in the NPRM without the need for a site restriction. Channel 227A appears to provide more flexibility in transmitter site location and would therefore appear to be the preferable channel to substitute for Channel 257A.

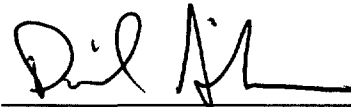
Beachport then proposes the substitution of Channel 224C for Channel 224A in Glenwood Springs, which can be accomplished with the reference site coordinates of 39° 35' 31" North, 107° 25' 57" West, which is located approximately 11 km NNW of Glenwood

Springs, Colorado. The higher class channel will serve the public interest by resulting in an expanded area FM service for Glenwood Springs. Furthermore, Beachport hereby states that, if it becomes the permittee of Channel 224 in Glenwood Springs, it will promptly construct and operate the higher class channel, if allotted.\*

Respectfully submitted,

**BEACHPORT COMMUNICATIONS, INC.**

By:



David M. Silverman

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Its Attorneys

April 1, 1994

- \* If the Commission adopts either Option II or Beachport's counterproposal for Option I (allotting Channel 227A or Channel 238A to Silverton), Beachport may be able to upgrade to Channel 224C in Glenwood Springs by means of the one step application process adopted by the Commission in MM Docket No. 92-159. If Beachport is permitted to upgrade to Channel 224C in this fashion, it will do so at the appropriate time and dismiss its rulemaking proposal for that channel.

CERTIFICATE OF SERVICE

I, Mary K. Inman, a secretary with the law firm of Cole, Raywid & Braverman, do hereby certify that I have, this 1st day of April, 1994, caused to be sent by U.S. first class mail, postage-prepaid, a true and correct copy of the foregoing to:

Caren Lacy  
1885 Ponder Heights Drive  
Colorado Springs, CO 80906-5888

  
Mary K. Inman

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TECHNICAL STATEMENT  
CONCERNING MM DOCKET NO. 94-3  
PREPARED FOR  
BEACHPORT COMMUNICATIONS, INC.  
GLENWOOD SPRINGS, COLORADO

This Technical Statement was prepared on behalf of Beachport Communications, Inc. ("Beachport") concerning MM Docket No. 94-3. Docket 94-3 proposes the migration of the vacant allotment for Channel 257A at Silverton, Colorado to Channel 224A; or, alternatively, the deletion of Channel 257A at Silverton.

As an alternative to the Commission's proposal to substitute Channel 224A for Channel 257A at Silverton, Beachport proposes the substitution of either channel 227A or 238A at Silverton instead of Channel 224A in order to accommodate the allotment of Channel 224C to Glenwood Springs. As indicated in Figures 1 and 2, either Channels 227A or 238A can be allotted to Silverton at the Silverton reference coordinates<sup>\1\</sup> as a substitute for Channel 224A. Channel 227A in particular provides more than adequate flexibility in transmitter site selection with the closest separation requirement being more than 30 km from the reference coordinates.

The substitution of Channel 227A for the proposed Channel 224A at Silverton will permit the FCC to

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<sup>\1\</sup>The Silverton reference coordinates employed by the FCC are 37°48'43"N/107°39'50"W.

Glenwood Springs, Colorado

Page 2

allot Channel 224C to Glenwood Springs, Colorado. As indicated in Figure 3, from a chosen reference point for Channel 224C located 11 km west-northwest of Glenwood Springs, all of the separation requirements are met with the exception of Channel 224A at Silverton.<sup>\2\</sup> Figure 4 depicts the fully-spaced transmitter site location area and it demonstrates that minimum 70 dBu coverage of Glenwood Springs can be obtained from the reference point assuming minimum Class C facilities. A study of the terrain intervening between the reference site and Glenwood Springs indicates that line-of-sight can be obtained over most of Glenwood Springs assuming the construction of minimum Class C facilities.<sup>\3\</sup>

*Louis Robert du Treil, Jr.*

Louis Robert du Treil, Jr.

March 3, 1994

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<sup>\2\</sup>The chosen reference point has the coordinates 39°35'31"N/107°25'57"W.

<sup>\3\</sup>Study indicates that it would be necessary to construct a tower approximately 442 m in height in order to obtain minimum Class C facilities at the reference site. However, there is a more than adequate area to locate a transmitter site for Channel 224C at Glenwood Springs which may include other possible transmitter site opportunities with more favorable parameters.

Figure 1

TECHNICAL STATEMENT  
 CONCERNING MM DOCKET NO. 94-3  
 PREPARED FOR  
 BEACHPORT COMMUNICATIONS, INC.  
 GLENWOOD SPRINGS, COLORADO

Allocation Study for  
Channel 227A at Silverton, Colorado

Reference Site Coordinates (Silverton, Colorado)	37°48'43"N 107°39'50"W
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Channel	Allotment or Assignment	Required Separation (km)	Actual Separation (km)
224	none close	--	--
225	KRWN, Farmington, NM Ch 225C1, 63 kW, 120 m 36°41'45"N/108°13'23"W	75	133
226	KQIX, Grand Junction, CO Ch 226C1, 100 kW, -29 m 39°05'35"N/108°35'51"W	133	164
227	none close	--	--
228	none close	--	--
229	none close	--	--
230	none close	--	--
280	none close	--	--
281	none close	--	--

Figure 3

TECHNICAL STATEMENT  
 CONCERNING MM DOCKET NO. 94-3  
 PREPARED FOR  
 BEACHPORT COMMUNICATIONS, INC.  
 GLENWOOD SPRINGS, COLORADO

Allocation Study for  
Channel 224C at Glenwood Springs, Colorado

Reference Site Coordinates (11 km NNW of Glenwood Springs, Colorado)		39°35'31"N 107°25'57"W	
Channel	Allotment or Assignment	Required Separation (km)	Actual Separation (km)
221	none close	--	--
222	KJYE-FM, Grand Junction, CO Ch 222C, 100 kW, 420 m 39°04'00"N/108°44'41"W	105	127
223	KZDG, Greeley, CO Ch 223C1, 57 kW, 377 m 40°05'47"N/104°54'04"W	209	224
224	Allotment, Ch 224A Glenwood Springs, CO	--	--
	RM-8384, Silverton CO Ch 224A 37°48'43"N/107°39'50"W	226	199
	KIQZ, Rawlins, WY Ch 224A, 3 kW, 91 m 41°46'16"N/107°14'15"W	226	243
225	KSPZ, Colorado Springs, CO Ch 225C, 72 kW, 649 m 38°44'44"N/104°51'39"W	241	241
226	KQIX, Grand Junction, CO Ch 226C1, 100 kW, -29 m 39°05'35"N/108°35'51"W	105	115
227	Proposed Silverton CO Ch 227A 37°48'43"N/107°39'50"W	95	199
277	none close	--	--
278	none close	--	--



Figure 4

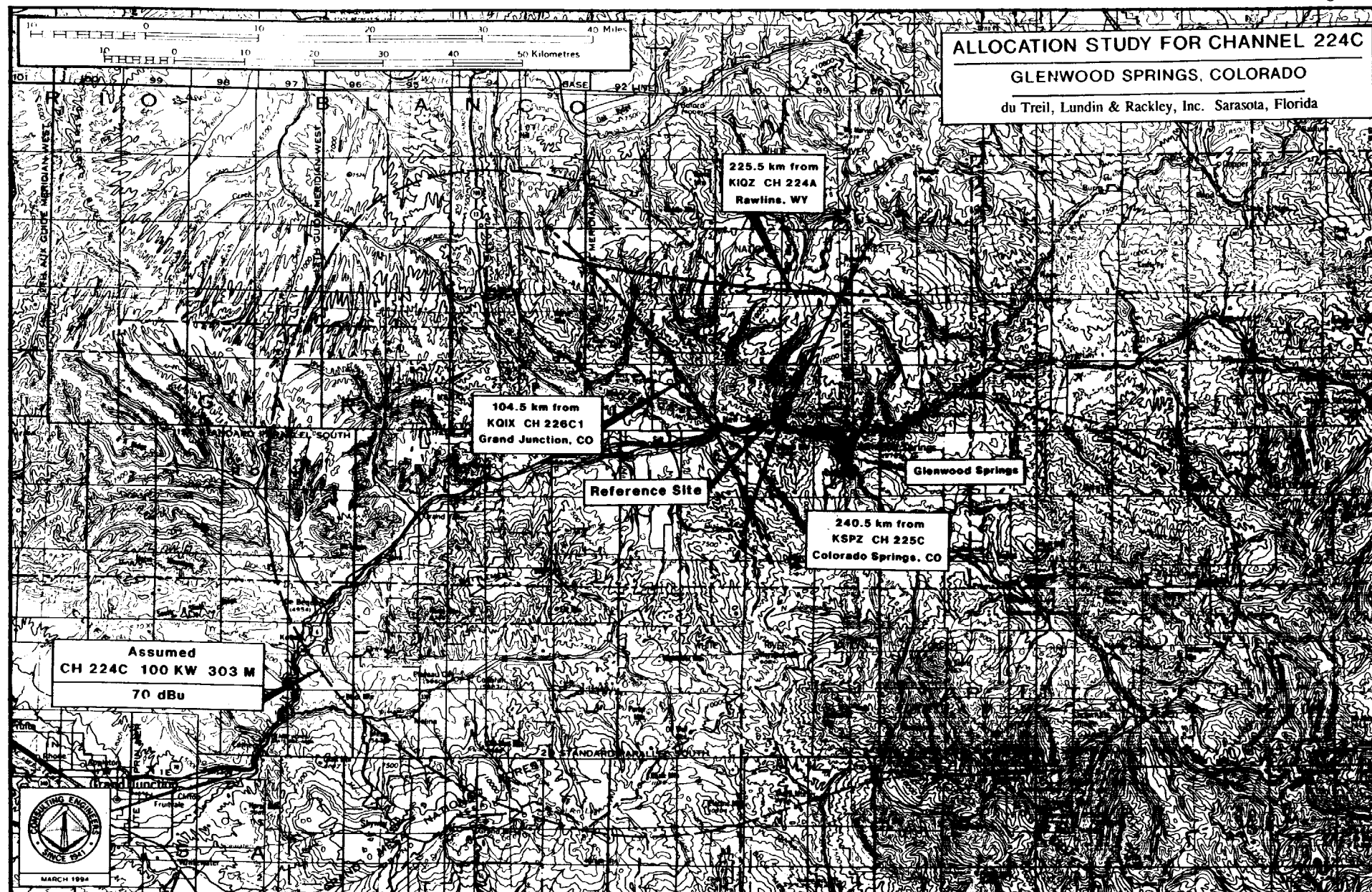


Figure 2

TECHNICAL STATEMENT  
 CONCERNING MM DOCKET NO. 94-3  
 PREPARED FOR  
 BEACHPORT COMMUNICATIONS, INC.  
 GLENWOOD SPRINGS, COLORADO

Allocation Study for  
Channel 238A at Silverton, Colorado

Reference Site Coordinates (Silverton, Colorado)		37°48'43"N 107°39'50"W	
Channel	Allotment or Assignment	Required Separation (km)	Actual Separation (km)
235	KWYK-FM, Aztec, NM Ch 235C1, 100 kW, 132 m 36°41'54"N/108°13'18"W	75	133
236	KKLY, Delta, CO Ch 236C, 100 kW, 434 m 38°52'40"N/108°13'30"W	95	128
237	KSLV-FM, Monte Vista, CO Ch 237A, 3 kW, 27 m 37°36'10"N/106°08'58"W	72	135
238	KNYN, Santa Fe, NM Ch 238C1, 19 kW, 564 m 35°53'08"N/106°23'14"W	200	242
239	KPCL, Farmington, NM Ch 239C1, 100 kW, 120 m 36°41'44"N/108°13'11"W	133	133
240	none close	--	--
241	KSTR-FM, Montrose, CO Ch 241C, 100 kW, 225 m 38°52'40"N/108°13'33"W	95	128
291	none close	--	--
292	none close	--	--